



**Report of the
Missouri Citizens' Commission
on Compensation
for Elected Officials**

November 2008

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SCHEDULE OF COMPENSATION



Missouri Citizens' Commission on Compensation for Elected Officials

26 November 2008

The Honorable Patricia L. Buxton
Revisor of Statutes
c/o Director of the Committee on Legislative Research
State Capitol Building, Room 117-A
Jefferson City, MO 65102

Dear Ms. Buxton,

Article XIII, section 3 of the Missouri Constitution requires that the Missouri Citizens' Commission on Compensation for Elected Officials file a report no later than December 1. The commission's report is attached and contains the schedule of compensation required.

Sincerely,

A handwritten signature in cursive script, reading "Timothy A. Hufker", is positioned above the printed name.

Timothy A. Hufker
Chairperson

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Missouri Citizens' Commission on Compensation for Elected Officials

26 November 2008

To: The Honorable Robin Carnahan
Secretary of State
600 West Main Street
Jefferson City, MO 65102

To: The Honorable Patricia L. Buxton
Revisor of Statutes
c/o Director of the Committee on Legislative Research
State Capitol Building, Room 117-A
Jefferson City, MO 65102

From: Timothy A. Hufker
Chairperson
Missouri Citizens' Commission on Compensation for Elected Officials

Pursuant to article XIII, section 3 of the Missouri Constitution, we submit to and file with your office the report and compensation schedule of the Missouri Citizens' Commission on Compensation of Elected Officials.

It has been a distinct honor for those of us who have been appointed to this commission to serve the citizens of Missouri and to fulfill our responsibilities under the Missouri Constitution. The Citizens' Commission presently consists of 10 members. Nine of us were appointed at random from the registered voter rolls maintained by the secretary of state, with one appointee coming from each of the nine congressional districts; and one member was appointed by the Supreme Court of Missouri.

Former Chairperson Jack Pohrer, whose term ended December 31, 2007, advised that he had contacted the governor's office to determine whether he should continue in office until a replacement was appointed and should begin convening the requisite meetings of the commission. He was advised that his term and those of the other prior gubernatorial appointees had ended and that they were ineligible to continue serving. The commission thereafter proceeded with only those commissioners who had been appointed to current terms under the provisions of the Missouri Constitution.

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Having accepted the appointment under the provisions of the constitution, each of us was determined to follow the protocols of the preceding commissions and to organize for the purpose of conducting hearings and making the recommendations contained in this report. As chairperson, I am very proud of our diverse group of citizens and their willingness to contribute the time and effort necessary, without compensation, to fulfill our constitutional obligations as commissioners and for the public good. A list of the commission's duly appointed members is included with the attached report.

The members of our commission have had the opportunity to review the work of previous commissions, including those that were organized by executive order in 1977 and 1983. Those commissions, like our own, took their obligations very seriously. Our primary obligation is to the citizens and taxpayers of Missouri to put forth our best efforts to compensate our state's leaders in a fair and equitable way with deference to budget constraints, economic conditions and the ability of the state to sufficiently fund vital services.

Our secondary obligation is to the elected officials of our state in the executive and legislative branches and to the elected and appointed judges who devote their legal careers to public service. This commission has great respect for Missouri's leaders, and it is our goal to recommend compensation levels that will continue to encourage the best people available to consider seeking public office. There are and always will be sacrifices to public service, but compensation levels should not be so low as to discourage the majority of citizens from participation.

Our commission met and held four public hearings in November 2008 and, like all citizens, our members are acutely aware of the enormous economic challenges facing Missouri and our country at this time in our history. We have reviewed the November 17 report of James Moody and Associates regarding the state of Missouri's budget and financial outlook, and it appears that our leaders will face significant challenges in the coming months. At the same time, it is also evident that significant economic and financial incentives on a massive scale are being undertaken at the national level. No one knows what impact these initiatives will have in the short or long term on the economy generally or on Missouri in particular. We are hopeful the results will be fruitful and profound.

We understand the Missouri budget process begins in January and concludes by early May. At that time, much more will be known about the state's financial resources and the state's ability to fund vital services and strategic goals. As a result, the commission's general approach – with one exception – has been to withhold recommendations for base salary increases for any of the offices covered and to recommend only that these offices receive a cost-of-living adjustment equal to the cost-of-living adjustment provided to average state employees for the next two years. If funds are not available for cost-of-living adjustments for average state employees, then they will not be available for the offices covered by this report. When this commission convenes again in 2010, it may be that economic conditions will permit the consideration of justifiable changes in compensation levels based upon relative merit and comparable data.

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Only with regard to the compensation of associate circuit judges did the commission believe strongly that a repositioning change in salary structure should occur. Statutory changes eliminated their jurisdictional limitations nearly 20 years ago, and in the last 10 years especially, there has been an ever-increasing reliance on the state's associate circuit judges to help dispose of the general circuit court workload. In addition to handling thousands of circuit court cases in the circuit in which they are elected or appointed to serve, large numbers of associate circuit judges also take transfers to overworked circuits in other parts of the state to provide ongoing assistance to help keep Missouri's dockets current.

The commission, therefore, recommends a modest repositioning adjustment of \$1,500 in each of the next two years to reduce the pay differential between an associate judge and a circuit judge to approximately 7 percent, which is approaching the same percentage differential that exists between the other levels of the judiciary. The commission strongly believes this modest change is both deserved and overdue.

The commission also received testimony about the Judicial Conference of Missouri's annual meeting and recommends that judges attending this meeting be provided expense reimbursement at the same per diem rate as members of the General Assembly. The Judicial Conference is a significant component of the judicial branch of government, and all state judges should be encouraged and supported to attend and participate in its meeting, which is important to the effective administration of justice in our state.

With respect to the commission's future deliberations in 2010, we expect we will have more time then to provide careful review of each office covered by article XIII, section 3 and, if financial circumstances warrant, we plan to consider adjustments then based on a variety of factors and criteria.

The executive branch has six offices for which we must recommend compensation, and in some instances, the compensation of the elected officeholder creates a ceiling for all others serving in the office. This can adversely affect recruitment of upper management, particularly those positions requiring individuals with experience and advanced professional degrees. We expect to examine comparable salaries in other states and other in-state positions as we consider appropriate compensation for these six offices.

The legislative branch presents some complex issues pertaining to the time required to attend the General Assembly and to provide service to constituents. Do we have a part-time citizen legislature or something quite different? How does compensation affect citizen interest in seeking these offices? These are questions we hope to explore in the future.

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The judicial branch stands alone in that it prohibits outside income and in requiring both experience and a law degree. Judicial compensation in Missouri has fallen below that in surrounding states and is in the lower third of all states. Twenty years ago, of the applicants for judicial vacancies, generally 80 percent came from private practice and 20 percent from public service, including judges, prosecutors, public defenders and others. Testimony indicates that the current applicant pool has more than reversed, as many in private practice cannot afford the financial sacrifice necessary to become a judge. These will be important considerations for the commission's 2010 deliberations.

On behalf of the commission, we express our appreciation to the law firm of Lathrop & Gage L.C. and attorney Mark Levison for providing guidance in the organization and procedures of the commission. We also appreciate the assistance of the Office of Administration and staff in the three branches of our government.

I have been privileged to serve as chairperson of the commission, and it has been a very rewarding experience to meet and serve with the other members of the commission. I believe we have witnessed our democracy at work with ordinary citizens assuming great responsibility under our constitution and in doing their very best to make a meaningful contribution to effective government in fulfillment of their constitutional obligation.

Very truly yours,



Timothy A. Hufker
Chairperson

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COMPENSATION SCHEDULE
APPROVED BY THE
MISSOURI CITIZENS' COMMISSION ON
COMPENSATION FOR ELECTED OFFICIALS

I. FOR STATEWIDE ELECTED OFFICIALS

In addition to the salary in effect on February 1, 2009, the salary for each statewide elected official shall be increased for the fiscal years beginning July 1, 2009, and July 1, 2010, to the same extent the salary of the average state worker¹ is increased.

To the extent statewide elected officials are entitled to receive any mileage reimbursement, they shall receive the same rate determined by the Office of Administration to reimburse state employees.

II. FOR LEGISLATORS

In addition to the salary in effect on February 1, 2009, the salary for each legislator shall be increased for the fiscal years beginning July 1, 2009, and July 1, 2010, to the same extent the salary of the average state worker is increased. The increased salary shall not be payable until January 1, 2011.

In addition to these amounts, a leadership differential of \$2,500 annually shall be paid to the representative serving as Speaker of the House of Representatives and the senator serving as President Pro Tempore of the Senate. A leadership differential of \$1,500 annually shall be paid to the representative serving as Speaker Pro Tempore of the House of Representatives and to each senator or representative serving as the Majority or Minority Floor Leader of the Senate or the House of Representatives.

The per diem rate shall be at 80 percent of the federal per diem in Jefferson City.

To the extent legislators are entitled to receive any mileage reimbursement, they shall receive the same rate determined by the Office of Administration to reimburse state employees.

¹ For purposes of the commission's schedule, the "salary of the average state worker" is determined by the pay plan applicable to other state employees generally with all fixed amounts converted to the percentage increase for the average state employee.

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III. FOR JUDGES

In addition to the salary in effect on February 1, 2009, the salary for each Supreme Court, Court of Appeals, Circuit Judge and Associate Circuit Judge shall be increased for the fiscal years beginning July 1, 2009, and July 1, 2010, to the same extent the salary of the average state worker is increased. Each Associate Circuit Judge's salary also shall be repositioned to account for the responsibilities that have been added to their positions in the past number of years. To accomplish this repositioning, each Associate Circuit Judge's salary shall be repositioned on those dates by being increased by \$1,500 each year prior to calculating any salary increase resulting from the increase based on the increase in the average state worker's salary.

In addition to these amounts, a leadership differential of \$2,500 annually shall be paid to the judge serving as Chief Justice.

To the extent judges are entitled to receive any mileage reimbursement, they shall receive the same rate determined by the Office of Administration to reimburse state employees.

The per diem rate for attendance at the annual meeting of the Judicial Conference of Missouri, not to exceed three days, shall be at 80 percent of the federal per diem in Jefferson City.

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Missouri Citizens' Commission on Compensation for Elected Officials

Members serving terms expiring December 31, 2011

Ms. Elizabeth Banwart
Liberal, Missouri 64762

Ms. Erin Cotter
St. Louis, Missouri 63144

Mr. Gene Danekas
Columbia, Missouri 65203

Judge John C. Holstein, retired
Springfield, Missouri 65810

Mr. Timothy A. Hufker
St. Louis, Missouri 63128

Mr. Danny Judy
Platte City, Missouri 64079

Mr. Marion George McGuinn
Florissant, Missouri 63031

Mr. Cedric Levi Shirley
Aurora, Missouri 65605

Mr. Thomas Theiss
Independence, Missouri 64055

Ms. Mary Lou White
Bismarck, Missouri 63624

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